

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES,

No. CR 08-00389 SBA

Plaintiff,

ORDER

V.

[Docket Nos. 24, 25, 26, 27, 37]

GREGORY ALLEN BONNER,

Defendant.

10 Before the Court are the Government's motions in limine [Docket Nos. 25, 26, 27] and
11 defendant's motions in limine [Docket No. 24, 37]. Having considered the pleadings and argument
12 of counsel at the hearing on the motions on November 4, 2008, the Court hereby rules, for the
13 reasons stated in the record, as follows:

1. Defendant's motion to exclude evidence of the name and nature of Mr. Bonner's predicate conviction is DENIED WITHOUT PREJUDICE. The parties are to meet and confer regarding a proposed stipulation. [Docket No. 24].
 2. Defendant's motion to strike the terms "crime of violence" and "violent felon" from the indictment is GRANTED in part and DENIED in part. The motion is GRANTED with respect to: (1) the phrase "by Violent Felon," which is stricken from the Caption of the superseding indictment and page 1, line 22; and (2) the phrase "of a felony crime of violence and," which is stricken from page 1, line 25 of the superseding indictment. The motion is DENIED with respect to the term "crime of violence," which occurs on page 1, line 26 of the superseding indictment. [Docket No. 24].
 3. Defendant's motion to exclude introduction of prior assault conviction as other-act evidence is DENIED AS MOOT because the Government does not intend to offer such evidence in its case-in-chief. [Docket No. 24].

4. Defendant's motion to exclude all other-act evidence for which the government has failed to give notice is DENIED AS MOOT. [Docket No. 24].
 5. Defendant's motion to designate all government witnesses under defense subpoena unless released is DENIED AS MOOT. [Docket No. 24].
 6. Defendant's motion to dismiss indictment for lack of jurisdiction is DENIED. [Docket No. 24].
 7. Defendant's supplemental motion to exclude bad act and/or impeachment evidence is DENIED AS MOOT [Docket No. 37].
 8. Government's motion to exclude evidence that defendant did not know conduct was unlawful is GRANTED. [Docket No. 25];
 9. Government's motion to preclude justification defense is GRANTED. The defendant is GIVEN LEAVE to submit authority to support an *in camera* review by the Court of defendant's evidence to support a justification defense. The defendant shall file its authority no later than the close of business on November 6, 2008. The Government shall respond by November 7, 2008. If necessary, the Court will set the matter for hearing prior to the commencement of trial on November 19, 2008. [Docket No. 26];
 3. Government's motion to exclude defendant's self-serving hearsay statements is GRANTED. [Docket No. 27].

IT IS SO ORDERED

November 7, 2008

Saundra Brown Armstrong
Saundra Brown Armstrong
United States District Judge